IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.1053 of 2007
SHARDA DEVI ….PETITIONER
Versus
1. STATE OF BIHAR
2. SUBODH SATYARTHI @ KANCHAN KUMAR
….OPPOSITE PARTIES
with

CR. REV. No.887 of 2007
SUBODH SATYARTHI @ KANCHAN KUMAR
Versus
1.STATE OF BIHAR
2. SARDA DEVI
…OPPOSITE PARTIES
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8. 22.10.2008. Both the revisions have been filed against the order dated 27th June 2007 passed by Principal Judge, Family Court, Jehanabad in Maintenance Case No. 62 of 2005/83 of 2006 thereby the court below has directed the husband Subodh Satyarthi @ Kanchan Kumar to pay Rs.2000/- per month as maintenance under Section 125 Cr.P.C. to his wife Sharda Devi.

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Cr. Revision No. 1053 of 2007 has been filed for enhancement of the maintenance amount whereas Cr. Revision No. 887 of 2007 has been filed for setting aside the impugned order.

Heard learned counsel for both the parties.

It is submitted by learned counsel for husband Subodh Satyarthi @ Kanchan Kumar that he is still ready to keep his wife and maintain her according to his capacity. In view of that the order impugned is not maintainable and the husband cannot be forced to pay maintenance.

On the other hand learned counsel for wife Sarda Devi submitted that husband Subodh Satyarthi @ Kanchan Kumar had

filed a suit for divorce bearing Case No. 53 of 2005 on the ground of cruelty and adultery. The same has already been dismissed vide judgment dated 27.6.2007. It is further submitted that petitioner Sarda Devi has a minor daughter regarding which no order has been passed for payment of maintenance. Amount of maintenance granted by the court below is not sufficient to meet the bare needs of the petitioner Sarda Devi and her daughter. Accordingly, a prayer has been made for enhancement of the maintenance amount.

Considered the submission of learned counsel for both the parties and perused the impugned order.

The husband Subodh Satyarthi @ Kanchan Kumar is Sepoy in Indian Army and is drawing salary of Rs. 7000/- per month. The petitioner Sarda Devi is also a student and is not earning any amount. The daughter is aged about five years. The husband had alleged the charge of adultery against his wife which has been negatived by the lower court vide judgment dated 27.6.2007. False allegation of adultery levelled against the wife is itself sufficient for refusal to live with the husband.

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Under the facts and circumstances said above, it is quite apparent that the lower court has rightly granted maintenance to the petitioner Sarda Devi. However, the amount of maintenance is apparently not sufficient to meet the bare needs of the petitioner Sarda Devi and her daughter. Therefore, the husband Subodh Satyarthi @ Kanchan Kumar is directed to pay maintenance of Rs.1000/- per month to his daughter also apart from maintenance of

Rs.2000/- to his wife from the date as mentioned in the impugned order.

With above modification in the amount of maintenance, both the Cr. Revisions stand disposed of.

KANCHAN **(Ghanshyam Prasad,J.)**

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